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Written statement* submitted by the European Centre for Law and Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Written Statement Regarding the Ongoing Violations of Saeed Abedini's Human Rights by the Islamic Republic of Iran

One of the principle aims of the United Nations, as expressed in the preamble of the 1945 United Nations Charter, is "to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person"[1]. It is for this reason that the United Nations Human Rights Council ("UNHRC") holds member states accountable for those significant violations of human dignity that run contrary to this aim.

The European Centre for Law and Justice ("ECLJ") would like to draw the Council's attention once again to the situation of Saeed Abedini (also known as Saeed Abedinigalangashi) and especially to the Islamic Republic of Iran's continued disregard for Mr. Abedini's basic human rights. Over the last two years, Mr. Abedini was: (1) arrested and imprisoned by Iranian Revolutionary Guard; (2) repeatedly beaten in prison; (3) denied access to his attorney until mere hours before his trial; (5) given a sham trial before a judge so notoriously biased and corrupt that he was condemned by the European Union for issuing egregious verdicts; (6) disallowed, along with his counsel, from attending the second day of his trial; and (7) sentenced to eight years in prison for exercising his Christian faith. The ECLJ holds this information from direct sources.

As a Member State of the UN, the Islamic Republic of Iran is obligated to adhere to norms set forth in the UN Charter, such as those requiring members "[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion"[2]. By trying and imprisoning Mr. Abedini because of his religious expression, peaceful association, and assembly of religious believers, the Islamic Republic of Iran is violating its obligations under the UN Charter and Mr. Abedini's fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association. Therefore, these violations concern not only the Islamic Republic of Iran and every Member State, but every agency of the UN.

Despite recommendations from the UNHRC Working Group on Arbitrary Dentition, which found his detention in violation with international covenants and urged his immediate release, the Islamic Republic of Iran has continued to detain Mr. Abedini in Rajaei Shahr prison while denying him access to necessary medical care. These actions are an affront to Mr. Abedini's dignity and worth as a human being that require urgent attention.

Mr. Abedini has been imprisoned in the Islamic Republic of Iran since 2012, when he was arrested solely for exercising his fundamental right of religious freedom. Early in his imprisonment, Mr. Abedini suffered internal injuries from prison beatings that have remained untreated to this day. Worse, authorities have repeatedly taken him to hospitals where, instead of allowing him to receive treatment, he has been subjected to mental and physical abuses including being shackled, beaten, and paraded around a hospital in a prison uniform reserved for murderers.

Mr. Abedini began suffering from severe pain in early 2013, but prison medical staff at Evin Prison initially refused to treat him, saying that he was "unclean" and "an infidel". In March of that year, three doctors visited Mr. Abedini and reported to his family that he should be taken to a hospital and treated for internal injuries. On 8 April 2013, Mr. Abedini was taken to a private hospital where, instead of receiving treatment, he was mockingly paraded around the hospital in a prison uniform reserved for murderers. He was sent back to Evin Prison without any medical attention. On 20 July 2013, Mr. Abedini was taken again to a private hospital, and this time was examined by a physician who indicated that his internal injuries were severe. The physician reported that a large wound had been found in Mr. Abedini's digestive tract and the amount of scar tissue in the wound's vicinity indicated that it had re-opened several times. He recommended that Mr. Abedini obtain ongoing medical treatment until his injuries could heal. However, Mr. Abedini was sent back to prison where he did not receive ongoing medical care. After his transfer to Rajaei Shahr

[1] U.N. Charter, Preamble.

[2] U.N. Charter art. 1, para. 3. See also Articles 55 and 56 of the UN Charter.

prison in November 2013, several doctors who have examined Mr. Abedini have prescribed surgery for his internal injuries. But at the time of this statement, the Iranian government has refused this necessary medical treatment.

The Islamic Republic of Iran is signatory to both the United Declaration of Human Rights ("UDHR") and the International Covenant on Civil and Political Rights ("ICCPR"). Each of these covenants obligates the Islamic Republic of Iran to honor Mr. Abedini's fundamental rights by releasing him from his arbitrary detention and providing him access adequate medical care.

By ratifying the UDHR, a member state pledges that it will not subject any person to cruel, inhuman, or degrading treatment or punishment.[3] Signatory states also agree, in Article 25, that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including . . . medical care"[4]. Imprisonment (and especially arbitrary detention) does not exempt a person from being afforded these basic human rights that affirm the worth and dignity of every human person. The Islamic Republic of Iran's decision to continue detaining Mr. Abedini without treating his injuries violates the ICCPR. Like the UDHR, the ICCPR proscribes cruel, inhuman, or degrading treatment or punishment.[5] The ICCPR also provides the right of liberty and security for every person and declares that none shall be subjected to arbitrary arrest or detention.[6]

The United Nations has assessed Mr. Abedini's situation multiple times in light of these international obligations. On 26 August 2013, the Working Group on Arbitrary Detention condemned Mr. Abedini's imprisonment as arbitrary because it resulted solely from the exercise of a freedom guaranteed by the UDHR.[7] Specifically, the Islamic Republic of Iran imprisoned Mr. Abedini for rights that are guaranteed to him by Articles 18 and 19 of the UDHR, which provide that all have the right to hold and express opinions without interference.[8] In its report, the Working Group urged the Islamic Republic of Iran to comply with its international obligations under the UDHR and the ICCPR by releasing Mr. Abedini. The Working Group transmitted its allegations to the Islamic Republic of Iran on 21 June 2013, but the government did not respond nor has it complied with these recommendations.[9]

By continuing to detain Mr. Abedini and deny him access to necessary medical treatment, the Islamic Republic of Iran fails to uphold its international obligations as well as basic principles of human dignity. The Islamic Republic of Iran's failure to remedy its egregious abuse of Mr. Abedini's fundamental rights (especially that of religious freedom and freedom to access basic medical care) is magnified by its failure to respond to the recommendations of this human rights body. For the Islamic Republic of Iran to release Mr. Abedini and allow him access to proper medical care would be a simple step for the government, but its effect would be a significant reaffirmation of human worth and dignity.

In light of the foregoing, we recommend that the UNHRC:

- Condemn the practises in the Islamic Republic of Iran that prevent individuals from freely choosing and practicing their own religion, which includes religious expression, peaceful assembly, and the right to associate with other believers.

- Call on the Islamic Republic of Iran to recognise its obligations under the UDHR and ICCPR, and to honor the findings of the UNHCR's Working Group on Arbitrary Detention and release Mr. Abedini.

- Request that the Islamic Republic of Iran allow Mr. Abedini immediate access to necessary medical treatment at a private facility with appropriate time to convalesce.

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[3] Universal Declaration of Human Rights, G.A. Res. 217 (III) A, art. 5, U.N. Doc. A/RES/60/1 (10 Dec. 1948).
[4] Id. art. 25.
[5] International Covenant on Civil and Political Rights, art. 7, 16 Dec. 1966, 999 U.N.T.S. 171.
[6] Id. art. 9.
[7] Opinions adopted by the Working Group on Arbitrary Detention at its sixty-seventh session, U.N. Doc. A/HRC/WGAD/2013 (21 Oct. 2013).
[8] See also article 2 ("Each State Party . . . undertakes to respect and to ensure to all individuals . . . the rights recognized in the present Covenant, without distinction of any kind, such as . . . religion.").
[9] Id.

Jay Alan Sekulow
Chief Counsel

Dr. Grégor Puppinck
Director

Jordan A. Sekulow
Senior Counsel

Robert W. Ash
Senior Counsel

Tiffany N. Barrans
Counsel